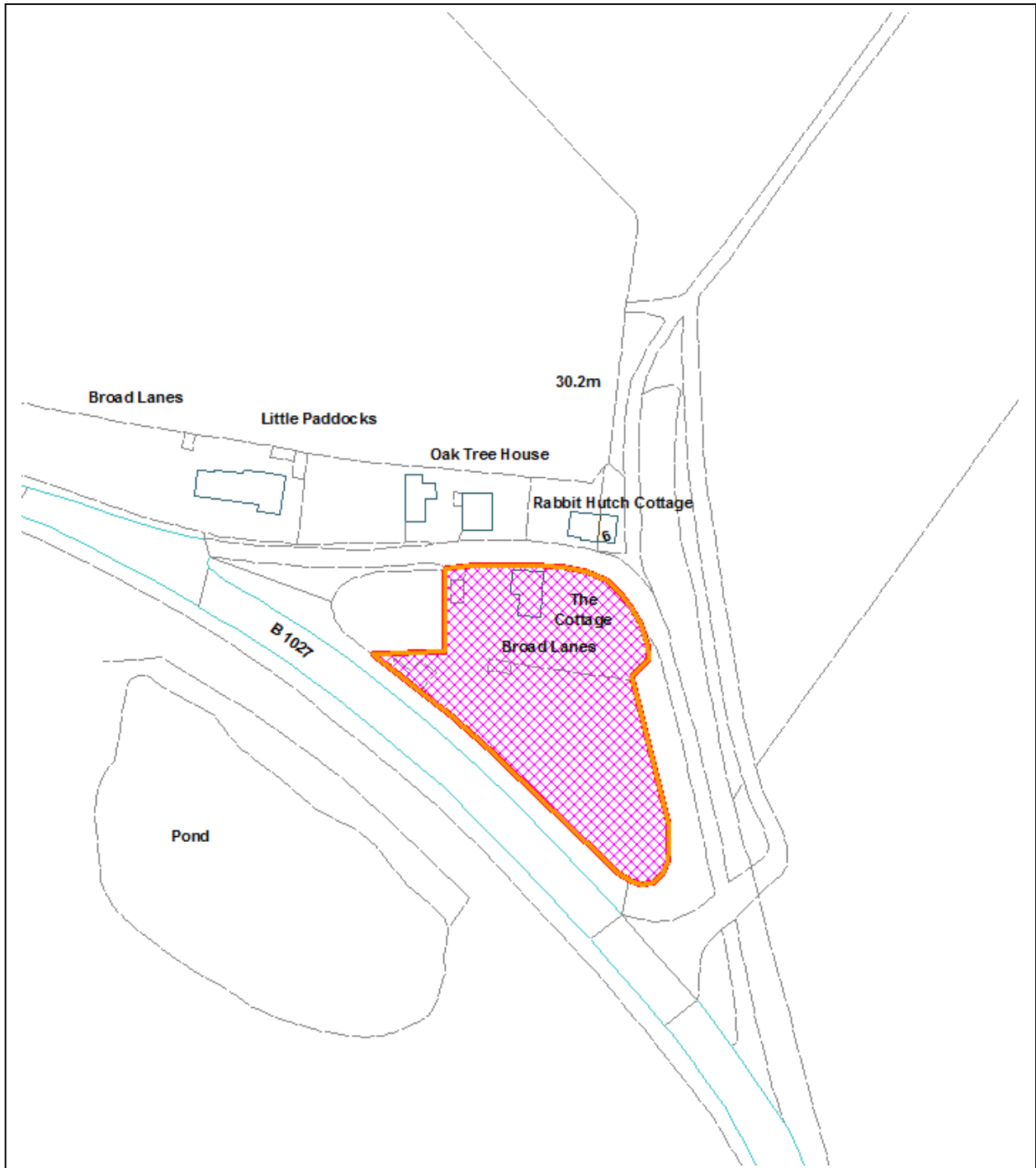


PLANNING COMMITTEE

14TH JUNE 2016

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATIONS - 16/00448/OUT - THE COTTAGE, BROAD LANES, ELMSTEAD, CO7 7HA



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Application:	16/00448/OUT	Town / Parish: Elmstead Market Parish Council
Applicant:	Mr Bill Marshall	
Address:	The Cottage, Broad Lanes, Elmstead, CO7 7HA	
Development:	Outline application for demolition of The Cottage and the erection of four new dwellings.	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Cllr. R Heaney for the same grounds stipulated in the response of Elmstead Parish Council.
- 1.2 The application seeks outline planning permission with all matters reserved for the erection of 4 detached dwellings. This includes the demolition of the existing dwelling. The net increase is therefore 3 dwellings.
- 1.3 The site accommodates a detached two-storey property at its northern end which is served by an adjacent vehicular access. The rest of the site to the south is used as a garden and is enclosed around the perimeters by mature hedging.
- 1.4 Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) the site lies outside of any defined Settlement Development Boundary.
- 1.5 The proposal raises no objection within regard to highways, landscape impact or impact on neighbours. However, there is considered to be a principle objection to the proposal as it would lead to residential development outside of the defined settlement boundary in the saved local plan in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.
- 1.6 In addition, the development would necessitate the removal of a large section of roadside hedging to facilitate highway visibility requirements. The removal of this area of hedgerow, which runs along the northern boundary of the plot and around its perimeter as it turns to the south, would erode the rural character of the lane to its significant detriment.
- 1.7 The proposal would result in a net increase of three (3) residential units, and this would contribute towards the Council's requirements for housing land. However, this consideration is not outweighed by the adverse impacts of the development outlined above, which would significantly and demonstrably outweigh its benefits.

Recommendation: Refuse

Reason for Refusal:

- 1) The proposal would result in a development of the site that would lead to residential development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.

2) The development would necessitate the removal of a large section of roadside hedging to facilitate highway visibility requirements. The removal of this area of hedgerow, which runs along the northern boundary of the plot and around its perimeter as it turns to the south, would erode the rural character of the lane to its significant detriment.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework
National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
EN1 Landscape Character
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
COM6 Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development
SD5 Managing Growth
SD8 Transport and Accessibility
SD9 Design of New Development
PEO4 Standards for New Housing
PEO22 Green Infrastructure in New Residential Development
PLA5 The Countryside Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

98/01516/FUL	Storage of skips and lorries	Refused	24.02.1999
02/01067/OUT	Erection of detached house and double garage. (Demolition of existing detached house and garage)	Approved	31.07.2002
04/00230/FUL	Replacement dwelling	Approved	22.05.2004
16/00055/FUL	Proposed 4 No. dwellings (following demolition of	Refused	14.03.2016

16/00448/OUT existing three bedroom detached dwelling and detached garage).
Outline application for demolition of The Cottage and the erection of four new dwellings. Current

4. Consultations

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- Prior to the proposed accesses being brought into use the applicant shall provide a minimum of a 2.4m wide parallel band visibility splay across the entire sites frontage to Broad Lanes which shall be maintained free from obstruction clear to ground in perpetuity.
- Prior to first occupation of the proposed development, each of the proposed vehicular accesses shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.
- Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within each Plot and shall be maintained free from obstruction in perpetuity.
- Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

5. Representations

- 5.1 Elmstead Parish Council wishes to support this planning application for the following reasons:

The development is on a previously developed brownfield site and there will be little loss of habitat and no loss of farmland. There is a good local bus service. As there is already a building on site to be demolished there will only be three additional dwellings. However the development is well outside the development boundary. In a recent appeal for another development in Elmstead the Planning Inspector referred to a precedent of three houses in Kirby-le Soken, which were outside of the development limits, being allowed on appeal as those three dwellings made a small but valuable contribution to the under-supply of housing.

As stated previously for 16/00055/FUL Elmstead Parish Council is concerned regarding the neighbours' objections about drainage problems and potential flooding and would wish to see this issue addressed.

- 5.2 5 letters of objection have been received. The points raised are summarised below:

- No local bus service/stops
- Development not near to facilities/services
- Development would result in occupiers relying on private car
- No footpaths on Wivenhoe Road and the verges are uneven. It is also unlit. This discourages walking
- Drainage concerns
- Parking problems on Broad Lanes.
- Public footpath to Elmstead is poorly maintained which discourages its use.

6. Assessment

The main planning considerations are:

- Site Context;
- Proposal;
- Planning History;
- Principle of Development;
- Impact on Surrounding Area;
- Residential Amenity;
- Highway Considerations;
- Drainage Issues; and,
- Legal Obligations.

Site Context

- 6.1 The application site is located on the north-western side of B1027 within the parish of Elmstead Market. The site is located to the north-east of Wivenhoe, and to the south-west of Elmstead on a small 'L' shaped access off the main road to the west. The site is located within a rural location to the south of a scattering of residential properties. The site itself accommodates a detached two-storey property at its northern end which is served by an adjacent vehicular access. The rest of the site to the south is used as a garden and is

enclosed around the perimeters by mature hedging. An additional vehicular access is located at the south-eastern end of the plot. To the north of the adjacent to Hutch Cottage is a public footpath that leads into Elmstead to the north.

- 6.2 Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) the site lies outside of any defined Settlement Development Boundary.

Proposal

- 6.3 This application seeks outline planning permission with all matters reserved for the erection of 4 detached dwellings. This includes the demolition of the existing property on the plot. The net increase of properties is therefore 3.
- 6.4 Whilst all matters are reserved an indicative layout plan has been submitted showing the dwellings addressing Broad Lanes to the north and east and being served by 4 vehicular access points. 3 of these access points already exist and are proposed to be improved.

Planning History

- 6.5 Planning permission was refused earlier this year under planning reference 16/00448/OUT. The application was in full form and the reasons for refusal were as follows;
- The development of the site would lead to residential development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development; and
 - The design approach of the dwellings pay little reference to the cottage style character and appearance of properties nearby and would not maintain or enhance local distinctiveness. The lack of contrast between the design of the dwellings and the prominence of the front dormers and overhanging roof would not represent good design, to the significant detriment of visual amenity and the rural character and appearance of Broad Lanes. The development would also involve the removal of large sections of roadside hedging to facilitate highway visibility requirements. The removal of these hedgerows combined with the provision of large hard surfaced driveways would erode the rural character of the lane to its significant detriment.
- 6.6 The application has now been resubmitted in outline form with additional information in respect of the sustainable credentials of the site in an attempt to overcome the previous reasons for refusal.

Principle

- 6.7 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) and the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012). Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is subject to change, in accordance with a number of appeal decisions, it can only be given limited weight.
- 6.8 It is accepted that the Council is currently unable to demonstrate a five year supply of deliverable housing sites but the provision of four dwellings would make only a modest contribution to the supply for the district as a whole.
- 6.9 As an adequate supply of housing cannot be demonstrated paragraph 49 of the NPPF applies in relation to the three dimensions of sustainable development. The proposed

dwellings would generate economic activity during their construction so would meet the economic dimension of sustainable development.

- 6.10 In regard to the social impact it is necessary to consider the distance to important destinations such as healthcare, education, convenience shopping and jobs. The site is located in a rural location in between Wivenhoe to the south-east and Elmstead Market to the north-west. Wivenhoe is the closest settlement to the site and contains a number of facilities and services including a train station. However, the nearest small shopping area within Wivenhoe is located approximately 1400m from the application site along an unlit busy 'B' road without any pedestrian footpaths. There are also no bus stops located within the vicinity of the application site. Therefore due to the absence of any footpaths or lighting along the B1027 towards Wivenhoe and the significant distance to the majority of main services and facilities within Wivenhoe, it is likely that the vast majority of journeys undertaken to important destinations will be via private car.
- 6.11 The submitted planning statement outlines distances to the nearest facilities and services. The list provided shows that the majority of the services are located over 1km from the site in Wivenhoe which has no paved connection to the application site. The statement confirms that this would deter access by foot.
- 6.12 Consequently the proposed development cannot be considered sustainable and therefore fails to meet the test outlined in the NPPF.
- 6.13 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Impact on Surrounding Area.

Impact on Surrounding Area

- 6.14 The area is predominantly rural in character. Broad Lanes comprises of a scattering of cottage style residential properties set on the northern side of Broad Lanes interspersed by vegetation. The style, design and siting of these properties contributes positively to the rural character and feel of the area.
- 6.15 The proposal is for the construction of four dwellings addressing Broad Lanes as it bends round to the south. As the application is in outline form no details of the design of the properties is provided. However, the indicative layout shows that the dwellings would not appear cramped within their respective plots and would be served by good sized rear gardens enclosed by mature hedging to the south. Consequently views of the development from the B1027 to the south would be limited. Therefore as the development would be set in an existing cluster of residential dwellings with mature hedging enclosing the site to the B1027 to the south, its impact upon the wider rural area would be limited.
- 6.16 Although in outline form the layout plan shows the provision of a 2.4m wide visibility band which would necessitate the removal of a large section of roadside hedging to facilitate highway visibility requirements. The removal of this area of hedgerow, which runs along the northern boundary of the plot and around its perimeter as it turns to the south, would erode the rural character of the lane to its significant detriment.
- 6.17 Therefore whilst it is acknowledged that the construction of 4 detached properties on the site could be achieved without the development appearing overly prominent in terms of the wider countryside context, the resultant removal of perimeter hedgerow would open up views of the site and erode the rural character and appearance of Broad Lanes. The development would therefore fail the environmental aspect of sustainability.

Residential Amenity

- 6.18 The dwellings would be arranged so as to not cause any overlooking, loss of light or aspect to each other or the neighbouring properties located on the northern side of Broad Lanes. As

such it is considered that 4 detached properties could be sited on the plot without causing detriment to local or future resident's amenity.

Highway Considerations

- 6.19 Essex County Council Highways have no objections to the development providing;
- a minimum of a 2.4m wide parallel band visibility splay is provided across the entire sites frontage to Broad Lane;
 - each access being constructed at right angles to the highway at a width of 3.7m;
 - no unbound materials being used in first 6m of each access;
 - details of turning heads within each site being provided;
 - details of the bridging and piping of the drainage ditch;
 - all off-street parking being in accordance with the current parking standards; and
 - submission of a construction method statement.
- 6.20 The indicative layout plan does not show the specific details of proposed parking provision. However, given the spacing of the dwellings and the size of the plots it is considered that it has been suitably demonstrated that each property could be served by a minimum of 2 parking spaces that accord with the provisions of the current parking standards.

Drainage Issues

- 6.21 In respect of flooding, the site is identified as being at risk of surface water flooding and of the 3 categories is the lowest risk ('Less'). In this respect it therefore considered this issue could be adequately addressed by imposing a condition requiring a surface water management strategy.

Legal Obligation

- 6.22 Following the decision by the Court of Appeal in West Berkshire District Council and Reading Borough Council v. Secretary of State for Communities and Local Government [2016] EWCA Civ 441 the National Planning Practice Guidance (NPPG) has now been amended so as to prohibit LPA's from enforcing levies on certain development schemes.
- 6.23 This amendment now means that affordable housing or tariff contributions will no longer be imposed on development schemes of 10 or less dwellings.

Background Papers

None.